

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 555  
Title 14, California Code of Regulations  
Re: Cooperative Elk Hunting Areas

I. Date of Initial Statement of Reasons: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

- |     |                     |           |                        |
|-----|---------------------|-----------|------------------------|
| (a) | Notice Hearing:     | Date:     | February 9, 2002       |
|     |                     | Location: | Sacramento, California |
| (b) | Discussion Hearing: | Date:     | March 8, 2002          |
|     |                     | Location: | San Diego, California  |
| (c) | Discussion Hearing: | Date:     | April 5, 2002          |
|     |                     | Location: | Long Beach, California |
| (d) | Adoption Hearing:   | Date:     | April 25, 2002         |
|     |                     | Location: | Sacramento, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations in Section 555 (b), Title 14, CCR, specifies that fees for elk license tags and the names of tag recipients be submitted with cooperative elk hunting area applications by the first Friday in August.

Requiring the concurrent submission of fees with applications causes an unnecessary burden to landowners, since not all applicants are successful in obtaining elk license tags. This also results in increased departmental costs to refund fees to unsuccessful applicants. The existing provision specifying that tag recipients be included with the application, unnecessarily requires a landowner to commit an elk license tag to an individual before they are certain of being successful in the application process.

The proposed action would eliminate the requirement for landowners to submit elk license fees and the name of tag recipients with their applications, and move the application deadline to the first business day following July 1. Successful applicants would be required to submit the names of elk tag recipients and fees to the department by the first business day following August 1. Minor changes are also proposed to update the names and addresses of Department offices listed in this Section. Such changes are necessary to improve clarity and consistency of the regulations.

Existing regulations in Section 555 (b), Title 14, CCR, also specifies that no person shall submit more than one cooperative elk hunting area application per year. The proposed action would allow eligible persons to annually submit a cooperative elk hunting application for each public hunt area (as identified in Section 364, Title 14, CCR) in which their property occurs.

The intent of Section 555, is to encourage the protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands. The existing regulation unnecessarily limits landowners, who would otherwise qualify, to a single cooperative elk hunting area application per year. This proposal will provide additional incentives for landowners to manage their properties to benefit elk.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section(s) 1572, Fish and Game Code.

Reference: Section(s) 67 and 1570-1572, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:  
None

- (d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document Regarding Elk Hunting

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

November 7, 2001 in Fresno  
November 13, 2001 in San Diego  
November 29, 2001 in Monterey  
December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: An alternative was considered that would allow persons to submit a cooperative elk hunting application for each public elk hunting area in which their property occurs, provided a drawing is not conducted as required by Section 555 (a), Title 14, CCR.
- (b) No Change Alternative: If the existing regulation is retained, landowners would be prohibited from submitting applications for elk license tags within each area where they own sufficient habitat and otherwise qualify under this program.

Landowners would also be required to pay application fees and specify tag recipients when their applications are submitted. This would continue to unnecessarily limit a landowners' ability to select recipients for tags they may obtain, and result in additional costs to the department when fees are refunded to unsuccessful applicants.

- (c) Consideration of Alternatives: The proposed alternative was rejected because it would limit a persons' participation in the program, when landowners compete for elk license tags by drawing.

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

Attached are copies of the Draft Environmental Document Regarding Elk Hunting.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse

economic impact affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will result in no net increase in the number of elk license tags available to the public and therefore is expected to be economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## INFORMATIVE DIGEST (Policy Statement Overview)

Under current regulations (Section 555, Title 14, CCR), the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk. This program is intended to encourage the protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands.

A cooperative elk hunting area is composed of private land located within the boundary of a public elk hunt (as identified in Section 364, Title 14, CCR). Persons owning at least 640 acres within a cooperative elk hunting area are eligible to apply for a cooperative elk hunting area permit. Applicants must designate one individual eligible to receive an elk license tag under this program. Tag recipients must be California residents at least 12 years of age and possess a valid California hunting license. In no case, shall individuals be awarded more than one elk license tag per year.

The existing regulation specifies that fees for elk license tags and the names of tag recipients must be submitted with cooperative elk hunting area applications by the first Friday in August. Requiring the concurrent submission of fees with applications causes an unnecessary burden to landowners, since not all applicants are successful in obtaining elk license tags. This also results in increased departmental costs to refund fees to unsuccessful applicants. The provision specifying that tag recipients be included with the application, unnecessarily requires a landowner to commit an elk license tag to an individual before they are certain of being successful in the application process. The proposed action would eliminate the requirement for landowners to submit elk license fees and the names of tag recipients with their applications, and move the application deadline to the first business day following July 1. Successful applicants would be required to submit the names of elk tag recipients and fees to the department by the first business day following August 1. Minor changes are also proposed to update the names and addresses of Department offices listed in this Section.

The existing regulation also limits landowners to one cooperative elk hunting application each year, regardless of whether they own sufficient elk habitat to otherwise qualify within the boundary of more than one public elk hunt. The proposed regulation would allow eligible landowners to annually submit cooperative elk hunting applications for each public hunt area in which their property occurs.